George Drummond

THE TWO SYSTEMS

OF THE

SOCIAL COMPACT,

AND THE

NATURAL RIGHTS OF MAN

EXAMINED AND REFUTED.

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Mr. Dales. —
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THE motive which has induced me to publiſh the following tract, is a wiſh to ſoften the animoſity of two hoſtile parties, and to unite their zeal in favour of one common object. My hopes are not very ſanguine: but at any rate I ſhall have diſcharged my mind of a duty, which, till this moment, has ſeverely oppreſſed me.

THE

TWO SYSTEMS, &c.

THE propenſity which we have to run from particular premiſes to general principles, and then to argue back from theſe principles to ſpecific concluſions, is the parent certainly of all legitimate ſcience, but it has been the ſource too of all the ſpurious ſyſtems which have ever abuſed the curioſity and the hopes of mankind.

It was but as yeſterday, after an experience of two thouſand years, that our ſenſe of this evil, in the ſtudy of nature, ſuggeſted a regulation which might have occurred, one would think, at the outſet, that it taught us to proportion our principles to our enquiries; and inſtead of framing a fanciful hypotheſis from a partial ſurvey of our ſubject, and then

then warping nature to coincide with our ſyſtem, to bend our attention on the phenomena of nature firſt, and to reſerve the general principles reſulting from this enquiry for the laſt deductions from the moſt elaborate and comprehenſive reſearch. The ſtudy of politics is yet, indeed, in its infancy; but we may profit by the experience of paſt error, and ſurely we have every motive for additional precaution. For what, after all, ſhould we ſuffer from the moſt capital error in the philoſophy of phyſics? It would be at worſt but a diſgrace to our judgement; and the march of human affairs would proceed without interruption, and probably without any perceptible change; whether we adopted the ſyſtem of Newton or Deſcartes. But wherever ſpeculation may become the ground of action, we are not only more expoſed to deluſion in the choice of our principles, becauſe we may be actuated in that choice by the influence of our paſſions; but the conſequences of any error in principle may be practically baneful. Abſtract principles here, may lead, not as in other caſes, from truth to fallacy, but from right to wrong: they may be adopted on the ſpur of ſome preſſing occaſion; and, when embraced, operate as a kind of moral conductors, by which the merit of the beſt actions may be transferred by ſecret magic on the worſt, or the infamy of the worſt engrafted on the beſt. We are called upon, for inſtance, to juſtify ſome obnoxious, but

laudable meaſure: we lay down, for this purpoſe, ſome abſtract principle which our adverſaries cannot eaſily conteſt, and which nobody very ſcrupulouſly examines: the juſtice of our cauſe confers a popularity on the principle which we bring forward to ſupport it: as it is the nature of abſtraction to exclude circumſtances—to exclude of courſe whatever conſtitutes the moral qualities of action, this principle may furniſh conſequences, perhaps, the very reverſe in their tendency to thoſe which it was adduced to juſtify: it is now, however, become too late to retract or refute the principle; and the merit of the original tranſaction is transfuſed into meaſures which thoſe who firſt advanced the principle would probably have been among the foremoſt to reſiſt. The contrary proceſs is juſt as eaſy: and it is in this way, I think, that both the ſyſtems, which are the ſubject of this treatiſe, originally obtained the credit and influence they poſſeſs.

As nothing, however, tends more effectually to the expoſure of any popular error than to trace it to its ſource, and account for its ſubſequent progreſs, I will endeavour to ſtate, as plainly and as ſuccinctly as I am able, the circumſtances which firſt gave riſe, and which have ſince given currency to both theſe ſyſtems, before I examine the ſyſtems themſelves.

Uncouth as the idea may now ſeem, not long ſince, not much more than a century ago, it was

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the prevailing opinion, that Kings derived the authority they enjoyed immediately from God; and that, as God's Vicegerents on earth, it was the bounden duty of all implicitly to obey, and ſinful, if not impious, on any occaſion, to reſiſt their Royal pleaſure. This peculiar and original idea was probably generated, it was certainly fortified by the religion of the times, by *corrupted* chriſtianity; a ſuperſtition which, above all others that ever fell within my notice, appears the moſt exquiſitely calculated to debaſe the character of man, and to render him not only an odious but a deſpicable being.

The Reformation, which had relieved the people of this country from an immenſe load of ſpiritual ſubjection, ſeems rather to have confirmed, than in any reſpect to have impaired this prepoſterous and and baleful perſuaſion. Doctor Hurd has ingeniouſly, and I think truly, accounted for this circumſtance. By the Reformation the Church of England was made dependent on the Crown: and it was againſt the Pope, who aſſerted a coercive pre-eminence over temporal thrones, and darted his ſpiritual thunders againſt our Proteſtant Sovereigns, that the pulpits of our Eccleſiaſtics reſounded with the Divine Rights and Sacred Majeſty of Monarchs. If we ſhould conſider this explication of the Biſhop as only a ſubtle apology for his order,

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the fact is certain: the doctrines were fervently preached and reverently heard.

Even the dethronement of Charles the Firſt, and the ſubſequent fluctuations of civil power, appear to have contributed very little to the diffuſion of any juſt ideas on the ſubject of Government. Diſtinguiſhed characters, undoubtedly there were, who thought, and who acted on theſe great occaſions like rational politicians; but, with the multitude, religion was the motive and the object; and men who could be occupied to madneſs with the idea of eſtabliſhing a purer form of eccleſiaſtical diſcipline, or at moſt of preparing the dominion of the Saints, cannot be ſuppoſed to have ſpeculated very deeply, or indeed to have been very warmly intereſted, on the topic of temporal Government.

It was not till near the Revolution that men were led by the progreſs of enquiry to exerciſe their ſober reflection on the nature of Government. That memorable atchievement, by boldly violating the hereditary claims of the Crown, and veſting its authority in a new line of ſucceſſion, contributed moſt ſtrikingly to ſtagger prejudice, to awaken attention, and provoke diſcuſſion; and Locke, who eagerly availed himſelf of this favourable criſis, gave, by his excellent Treatiſe on Government, a direction to the public mind which is ſtill felt after

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an eventful period of near 90 years. I am ſure, when I mention this great and venerable name, I am actuated by nothing of that captious ſpirit, by which little minds are goaded on to pry into the errors of greatneſs, and to form a petty tomb to their memory out of the ſplinters which they have ſhivered from the nobleſt monuments of human genius. To the name of Locke I bow with a homage almoſt approaching to idolatry; but I am ſatisfied that in the meritorious and ſucceſsful endeavour to overthrow one prejudice, he has inadvertently been led to lay the foundations of another.

The public prejudice which Locke had to encounter, aroſe from viewing merely the ſurface of things, and being dazzled with the impoſing ſplendour of Royal authority, in referring its original inſtitution, which was only buried in the remote antiquity of dark and troublous times, to the immediate agency of Almighty Power. The mode which Locke purſued to overturn this prejudice was obvious and natural. After refuting the ſilly notion of a title to Sovereign Power, derived from the paternal authority of our great father Adam, which, however prepoſterous in its nature, and completely overthrown by the arguments of Sydney, appears to have gained a very general credit; he refers his readers to the firſt origin of civil ſociety. Men muſt have exiſted, in their original ſtate of nature,

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free, independent, and equal; and could never have changed this ſtate but by their own conſent. By conſenting to form a community for the protection of their perſons and their property, they became a corporate body, in which the majority were, ipſo facto, inveſted with the right to act and conclude the reſt: and all legitimate power, which is not, in fact, exerciſed by the majority of the community for the time being, muſt have devolved to its preſent poſſeſſors from ſome delegation from this conſtituent majority. Uſurpation is the getting into poſſeſſion of that ſupreme power, which, by the rule of delegation, or, (in other words) the Conſtitution, is veſted in another perſon; though in all other reſpects that rule is ſtrictly adhered to: in which caſe the majority of the people are at liberty to depoſe the uſurper, or to ſanction his authority. Tyranny is the employment of ſupreme power, though juſtly obtained from delegation, to purpoſes ſubverſive of the end for which it was conferred; in which caſe it is lawful to reſiſt its undue exerciſe. Government is diſſolved, or thoſe in whom the ſupreme power is veſted by delegation, ceaſe to have a right to exerciſe that power, when they abandon their truſt, violate any eſſential part of the Conſtitution by which they hold it, or tyrannically employ it to purpoſes ſubverſive of the ends for which it was conferred:—in theſe and the like caſes, the people are abſolved from obedience,

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their original powers revive, and they may eſtabliſh for themſelves, by a majority, whatever new form of Government they pleaſe. Such, I believe, is a faithful abſtract of Locke's doctrine, ſo far as it relates to the preſent ſubject of enquiry. The prominent features of this ſyſtem conſiſts, we ſee, in deducing the rights of man in a ſtate of civil ſociety from the rights which his remote anceſtors poſſeſſed in a ſtate of nature, as modified, and in ſome reſpects ſuſpended by the terms of that ſubſequent compact into which his anceſtors entered, when they formed the Conſtitution: it is clear, however, that the great object in the contemplation of Locke, throughout the whole of his Treatiſe, was the memorable Revolution of 1688; and as the inferences from his ſyſtem were applied principally to juſtify this event, and as we are naturally diſpoſed to give an eaſy reception to any arguments which tend to eſtabliſh the juſtice of what, independently of all arguments, we are led by ſympathy of feeling to approve, this circumſtance, I am inclined to believe, gave a reflex credit to his principle, which, had it been abſtractedly examined, it is impoſſible it could ever have obtained.

It is good for man that he is in a ſtate of perpetual decay and renovation. The partizans of divine, indefeaſible, hereditary right to power, were gradually gathered to their fathers: new ge-

nerations, of leſs inveterate prejudice, ſucceeded; and the doctrine itſelf imperceptibly ſunk under the aſcendancy of reaſon. As no new ſyſtem appeared which made any ſenſible impreſſion on the public mind, the ſpeculations of Locke became the eſtabliſhed opinions of the nation; and the Conſtitution, without any very ſevere ſcrutiny into its origin, was conſidered as an original compact of high antiquity between the People and Government, recognized and confirmed at the glorious Revolution. Such, I think, I may venture to ſtate, were the prevailing ſentiments of this kingdom, till our rupture with America: political parties exiſted; but they were all in ſubordination to the Conſtitution, and of a character, which ſuch a mixed Conſtitution would naturally generate.

In France, where every ſpecies of ſpeculation not pointedly injurious to thoſe in power was very freely indulged, the elaborate and maſterly treatiſe of Monteſquieu gave a taſte for political reſearch, till then, I believe, unknown in that country: it did more, too: by balancing the reſpective merits of different forms of Government, it drew aſide the veil from the ſanctuary of ſtate; it accuſtomed men to treat the ſubject of Government as a matter of common cognizance and general concern, and to eſtimate the ſanctity and worth of every political inſtitution from the good which it appears calculated to produce. The ſocial contract of

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Rouſſeau, recommended by that air of myſtery, that poſitive deciſion, and that affectation of paradox, which diſtinguiſhes all the compoſitions of this romantic writer, contributed ſtill more powerfully to the diffuſion of what are called *liberal* ideas on the ſubject of Government in France. Though his treatiſe was obviouſly ſuggeſted by a peruſal of Locke, and though he repoſes on the ſame fundamental principle, he rejects the derivative poſition of his great precurſor. All legitimate forms of Government, indeed, he derives from the ſovereign will of the people, but that will he maintains to be in its nature ſupreme and perpetually paramount to all forms whatever; and of courſe conſiders thoſe in whom the authority of Government may happen to be veſted, not as original contractors with the people, but mere proviſional agents, from whom their ſovereign employers may withdraw their confidence and truſt at pleaſure. A crowd of illuſtrious writers ſucceeded this fine genius; ſpeculation was let looſe; and from indignation at their fetters, the Literati of France, at the breaking out of the American war, were certainly much higher charged with Latitudinarian principles on politics, than their brethren in England.

Our conteſt with the Colonies of America, was an event above all others, calculated to provoke political diſcuſſion, and to lay the ground-work of a new political ſyſtem. In the unlimited power of

taxation, which the Britiſh Parliament aſſumed, the Americans ſaw a great evil. As reſiſtance, however, was an obnoxious meaſure, to juſtify this proceeding to others, and indeed to themſelves, they found it expedient to reſt their claims, not on the particular circumſtances of their caſe, which might furniſh matter for endleſs doubt and diſputation, but on ſome common principle, which both parties were bound to admit, or which at leaſt impartial ſpectators would be diſpoſed to approve. They firſt, therefore, appealed to their *chartered* rights as *colonies:* as theſe rights, however, were found incompetent to ſuſtain their claim, they ſoon enlarged their ground, and referred with firmneſs to their *civil* rights as *Britiſh ſubjects*—by the conſtitution of Great Britain, they affirmed, that no man could be taxed till he had conſented, by his repreſentatives in parliament: as this principle, however, was ſtill liable to diſpute, as the Conſtitution was not deciſive on the ſubject, and there had always been a large claſs of people in this country, who poſſeſſed no right of ſuffrage whatever, they ſhortly abandoned this ground as too narrow, and finally appealed to their *natural* rights as *men*—ſociety, they ſaid, was formed, and government inſtituted, for the preſervation of property; and no compact, they aſſerted, could preclude men from a right, which it was the only object of every ſuch compact to ſecure—the full protection of private property,

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againſt every ſpecies of invaſion, and conſequently againſt taxation without conſent.

The advocates for America here, naturally urged the ſame pleas as their ſuffering friends on the other ſide of the Atlantic; and even thoſe in this country, who were led to oppoſe the meaſures of government, on a narrower principle, were too often tempted to buckle on the ſame armour, and to brandiſh the ſame weapons. In juſtice, however, to an illuſtrious character, whoſe towering pre-eminence in a cauſe which he has lately eſpouſed, and of which he may ſeem the *apoſtate* champion, has expoſed him to peculiar obloquy, I muſt obſerve that even at this time he appears to hav perceived the extent and danger of abſtract claims to have foreſeen the force with which they migh one day be urged againſt the Conſtitution of hi Country, and to have diſclaimed their treacherou aid, in the prominent lead which he took againſ the meaſures of government, with a jealous and prophetic caution *.

This general poſition brought forward in favour of America, of a natural, abſtract, unqualified right in all men, at all times, in all countries, and under all circumſtances, and notwithſtanding any conſtitution or ſocial compact to the contrary, to a

* See Mr. Burke's Speech for a Conciliation with the Colonies.

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certain ſhare in the governing power, laid the foundation of that new political ſyſtem, which, however juſtly obnoxious to all privileged orders, ſeems haſtening with rapid ſtrides to become the prevailing ſentiment of Europe. The object which this momentous claim was firſt advanced to juſtify, was comparatively narrow, but it was highly popular. In America, it was to reſiſt ſome preſent, and much anticipated, oppreſſion in the arbitrary exactions of a foreign power. In England, it was to guard the liberties of this Country, which it was thought, and, in my opinion, juſtly thought, would be endangered by the ſubjugation of America. In both countries the importance of the particular ſubject in diſpute was heightened by an honeſt but national prejudice. We owe that conſtitutional freedom, which was our boaſt and our glory, to ſucceſſive encroachments on the Crown from the Norman Conqueſt down to the Revolution: the great inſtrument by which theſe encroachments were advanced and fortified, at firſt by the Barons, and afterwards by the Commons, was uniformly the privilege of granting or *with-holding ſupplies*, ſo bravely aſſerted in the charter of our liberties; in the mind of an Engliſhman, therefore, and in the mind of an American, (for *he* inherited the ſame ſpirit), the privilege of reſiſting taxation was incorporated, it was identified, with all his deareſt rights;

rights; whatever invaded this privilege, aſſailed them all; whatever ſupported this privilege, maintained them all. The prejudice was natural, it was uſeful; it was wiſely cheriſhed by thoſe who ſaw its real character; and the principle brought forward to give it a more ſolemn ſanction, would of courſe become popular and intereſting.

In tracing the new ſyſtem from its firſt ſeminal principle—the exiſtence of certain natural rights to power in all men, ſuperior to all ſubſequent compacts or inſtitutions—the name of Doctor Price deſerves a particular and conſpicuous mention. This principle, we have ſeen, was firſt advanced by the ardour of patriotiſm, to ſanction reſiſtance to an alarming and moſt obnoxious oppreſſion: in the hands of Doctor Price it became a kind of cold, dry, mathematical axiom, from which he ſpun out, at his leaſure, a variety of curious and important corollaries. In a publication, intitled "Obſervations on the nature of civil liberty, the principles of Government, and the juſtice and policy of the war with America," which had a prodigious circulation, the Doctor, after having formally laid it down as a fundamental propoſition, That man has a natural right to civil liberty, contends, that liberty conſiſts in ſelf-government; that the liberty of a civil community, conſiſts in its governing itſelf; that its ſlavery conſiſts in its being governed by any will but that of the majority of the

the individuals who compoſe it; that, in every free ſtate conſequently every man is his own legiſlator; that all taxes are free gifts, and all laws particular regulations eſtabliſhed by common conſent. As the Doctor perceived, however, that theſe principles would not exactly harmonize with our Conſtitution under any change which even the moſt hardy reformer would propoſe, he ſubjoins a very curious emollient obſervation—"Yet, to form the moſt perfect Conſtitution, there may be the beſt reaſons for joining to a body of real and compleat repreſentatives, an hereditary council, conſiſting of men of the firſt rank in the State, with a ſupreme executive magiſtrate at the head of all. This will form, ſays the Doctor, uſeful checks in the Legiſlature"—checks?—to what? to the will of the majority, to the free exerciſe conſequently of that power, in which the whole eſſence and ſubſtance of civil liberty conſiſts, and to which all men have a natural, inalienable, indefeaſible, impreſcriptible, and imperiſhable right. In this prepoſterous ſalvo, however, his diſciples appear to have ſincerely acquieſced: and the only permanent effect of his pamphlet—I exclude its immediate and very laudable object—was the formation of a party extremely ſtrenuous for a total regeneration of our Repreſentative Syſtem, and who may eaſily be diſtinguiſhed from the Conſtitutional friends of Parliamentary Reform, by their aſſerting, in conformity

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to their abſtract principle, a natural right in every individual to an equal ſuffrage, not becauſe ſuch an equal partition would be conſtitutional or even expedient, but becauſe the ſuffrage is a right, and every individual a man.

In this ſtate the new ſyſtem would probably have remained ſtationary for a long courſe of years in this country, notwithſtanding the proceedings in America, but for a revolution the moſt aſtoniſhing in the hiſtory of man. The ſituation of France was that of a government exhauſted by a long courſe of prodigality, miſmanagement, and procraſtination of ruin, calling in to its aid the co-operation of a people already panting, from the exhortations of its philoſophers and the glorious example of its allies, for the eſtabliſhment of freedom. The progreſs of the new ſyſtem under theſe circumſtances was rapid and extenſive. Political ſpeculation, which had hitherto been cultivated as little more than a ſubject of curioſity, was now proſecuted with all the ardour of experimental reſearch: the original idea on which that ſyſtem was founded, was reconſidered and purſued; and it was ſoon diſcovered, that if men have a right not to have their property invaded by taxation without their conſent, they have a right not to have either their perſons or property affected by any laws, and conſequently to be bound by no laws to which they have not conſented; that if they have a right to be bound by

no laws to which they have *not* conſented, they have a right to be bound by all the laws to which they *do* conſent; that the will of the majority for the time being is of courſe the only legitimate fountain of all law; and that every form of government except a Republic, or the moſt accurate approximation to this ſtandard, though ſanctified by time, or ratified by compact, or even approved from a ſenſe of its utility, is a perfect abateable nuiſance, as being a tyrannical uſurpation on the natural rights of man. Though this was the general ſentiment of the Literati in France, the multitude ſtill retained ſome lingering attachment to their Monarch; and the opinion of the great perſonages who figured in the firſt ſtage of the Revolution, was decidedly in favour of a Government by a limited monarchy controlled by the general ſenſe of a free and enlightened people. It is amuſing to obſerve the efferveſcence which theſe hoſtile principles excited in the firſt Conſtituent Aſſembly, amongſt men apparently purſuing the ſame ends; it is curious, too, to trace the effects of this diſcordance in the ſtructure of the new Conſtitution, which was in reality, nothing more than a compromiſe between two parties, with an unfathomable gulph between them; in which a royal pageant was inveſted with ſhadowy powers to ſoothe the one, and ſtript of all ſubſtantial energy to ſatisfy the other. It was impoſſible that ſuch a monſtrous coalition of degraded Monarchy

narchy and triumphant Republicaniſm could ſubſiſt for any time. The orthodox doctrines were zealouſly propagated in creeds and ſynods; the exiſtence of royalty in any meaſure, or under any management, was anathematiſed as a violation of the fundamental articles of the true faith; and, if Louis had not been indiſcreet, he muſt ſoon have ceaſed to reign, and probably to live. The courſe of nature was againſt him.

In England, when the firſt movements of the French Revolution reached us, we received the intelligence with a more cordial ſenſation than mere complacency: our generoſity got the better of our prejudices; we knew the value of freedom, nor did we envy its poſſeſſion to men whom we had been taught to conſider as our natural and inveterate enemies. The object which we ſaw was indiſtinct and confuſed, it was liberty in general; and we beſtowed an indiſcriminate applauſe on the meaſures adopted, and the principles advanced in its purſuit. As the Revolution, however, unfolded in its progreſs, as its original promoters ſunk under the aſcendancy of a new party, and as the views of this party became more clearly developed, a gradual ſeparation took place in this country, between thoſe who having cordially embraced the *doctrines* of the new ſyſtem, were ready to run the full extent of its practical career; and thoſe who having attended only to *meaſures*, began to pauſe, to heſitate, and

at length, to ſhrink with diſmay from the conſequences of principles which they had incautiouſly admitted, perhaps, to juſtify ſome favourite proceeding, but whoſe poſitive extent, as practically exemplified, they had not at all, or very imperfectly, foreſeen. The Advocates for the Syſtem of the Social Compact, and that of the Natural Rights of Man, may now be conſidered as marſhalled under the reſpective ſtandards of Mr. Burke, and Mr. Paine. Whatever the violence of party may object, or whatever exceptions may be taken to particular conſequences, the firſt has only purſued the principles of Mr. Locke, and the latter thoſe of Doctor Price: in the illuſtrations of each, it appears impoſſible for any candid mind not to diſcover and confeſs a great deal of truth; and it is equally impoſſible, I think, for any mind, not heated by party, deliberately to acquieſce in the characteriſtic principles of either.

Both theſe ſyſtems, we have ſeen, whether they be true or falſe, originally derived their credit from the facility with which we are diſpoſed to admit any principle which tends to juſtify what, independently of all juſtification, we are determined, by circumſtances, to approve. The moſt natural mode, therefore, of deſtroying their authority, if they be falſe, is to ſhew them pregnant with conſequences which we are inſtinctively determined, on the bare ſtatement, to reprobate and diſclaim. Nothing, I think,

think, at leaſt, can be objected to the fairneſs of this teſt.

If the right to govern, then, and to reſiſt, were founded on ſome original contract between the people and the governors, both parties, it is clear, muſt be bound by the terms of this agreement, till the contract was violated; and nothing could be conſidered as a violation of the contract, but a violation of thoſe terms. Had our anceſtors, therefore, 500 years ago, graciouſly pleaſed by a ſolemn inſtrument to ſurrender all the legiſlative and executive authority of this realm into the hands of a ſingle perſon, and his poſterity for ever, upon condition only that he and all his ſaid poſterity ſhould reſide in the kingdom, and one of his deſcendants ſhould, at this moment, have exerciſed within this kingdom the abominable domination of a Caligula or a Commodus, if the ſyſtem of the Social Compact be true, we muſt have ſubmitted with implicit obedience to his will, nor could we reſiſt the moſt atrocious of his acts without a poſitive violation of an acknowledged right. It is impoſſible, I think, for any Advocate of this Syſtem to extricate himſelf from this prepoſterous conſequence. For, if it be alledged, and it is the only poſſible evaſion, that ſuch a contract would be void from its injurious tendency, then it is the tendency which is the foundation of the right and not the contract; then the contract is only a pretext to be hung out,

or withdrawn, as convenience may prompt; then the Syſtem of the Social Compact falls to the ground. There is no alternative.

We may ſay the ſame of the Syſtem founded on the Natural Rights of Man. If men have naturally an equal right to power, and the numerical majority of a community in conſequence a natural right to govern, ſuch a majority would have a right to proſcribe, to attaint, to enſlave the minority, to do all that ſovereign authority can perform, without limitation or controul; for they would ſtill be a majority; and, as a majority, they would ſtill poſſeſs the right. If it be urged that they would have no right to do wrong, then it is the uſe of the power which gives the right, and not ſuperiority of numbers; then a majority has not a right to govern, becauſe it is the majority; then the Syſtem of the natural Rights of Man falls to the ground.

It is not neceſſary, however, to puſh either of theſe ſyſtems to extremities, to prove their fallacy; for let us only cooly and abſtractedly conſider them as ſyſtems.

Firſt, then, with regard to the Social Compact. Now, whatever we may think of the obligation of a contract in a ſtate of nature as between the two contracting parties, nothing can be more clear than that the deſcent of this obligation upon the poſterity on both ſides is the mere creature of civil policy.

policy. In nature and reaſon the ſon is as diſtinct a moral agent from the father, as any one of the Antipodes; and it is only by the laws of ſociety, which, as they inveſt him with privileges which in a ſtate of nature he could never have enjoyed, ſaddle him with correſpondent duties to which in a ſtate of nature he would never have been ſubject, that he is bound by any act in which his father may have engaged. To found civil ſociety, therefore, on a contract, is to invert the order of things; to transform the creature into the Creator; and to make that the foundation of ſociety, which is, in fact, one of its moſt refined, and, in general, one of its moſt qualified, inſtitutions.

The ſame may be ſaid of the Natural Rights of Man. By the Conventions of Society it is often agreed, that the act of the majority ſhould conclude the reſt; but certainly, ſetting aſide theſe Conventions, the majority of perſons inhabiting a certain diſtrict have no more natural right to ſay to the reſt, You ſhall do this, or, You ſhall not do that, than all the perſons who have black hair in that diſtrict, or who are above five feet eight in that diſtrict, or than the inhabitants of any other diſtrict upon the face of the globe. There is in nature no connection between the will of a certain number of individuals and the ſubmiſſion of the reſt: and to ground a ſyſtem of government on this

this principle, is to commit the ſame error as we juſt noticed in the Social Compact, to confound the order of things, and to make that the foundation of law, which is one of its moſt violent fictions.

What has greatly contributed to give both theſe ſyſtems a more ſpecious colour is the ambiguity of the expreſſions in which their principles are couched. When we ſpeak of the people's entering into a compact, we give a kind of corporate permanence to an ever-varying aſſemblage of tranſitory beings, and ſuppoſe that the perſons who engage in the compact are the ſame who are to abide by its obligations; we forget that while we are debating the ſcene is changed; and that, according to the correct and beautiful image of a great writer, Society, like the Thames, though called by the ſame name, is never, for a minute together, compoſed of the ſame particles. When we hear too of a Community's governing itſelf, we figure to ourſelves one uniform body actuated by one uniform will, and can ſcarcely refuſe the moſt licentious rights to a Society, where thoſe who act muſt neceſſarily be thoſe who ſuffer, where abuſe of power conſequently is improbable; and where, if the abuſe were certain, it would be of a quality which we are compelled to tolerate in a debauchee or a ſpendthrift. We forget that a people can be nothing but the individuals

dividuals who compoſe it, and that thoſe individuals can never be ſaid to govern themſelves politically in any fair ſenſe of the word. That they cannot be ſaid to govern themſelves, by preſcribing what laws each chooſes—for then there could be no uniform law at all; every man might act as he choſe. That they cannot be ſaid to govern themſelves, by obeying no laws to which each has not conſented *—for then every fool or knave might arreſt by his veto the moſt wiſe and neceſſary meaſure, and the whole code of the nation muſt be ſubmitted to the review of every ſtripling who has attained the years of diſcretion to be confirmed or annulled at his caprice—a thing, abſurd even in theory, and impoſſible in practice. And, laſtly, that if a majority governs, each individual is ſo far from governing himſelf, that his ſhare in the governing power, it is evident, is only at unity to all the members of which the Community is compoſed, himſelf excepted; and conſequently, in any large Community, muſt be next to evaneſcent.

The error of both the ſyſtems before us conſiſts in founding a right to govern on ſome ground diſtinct from the end to which the power involved in that right is employed. If any men, under any circumſtances, had a right to govern abſtractedly

* This, however, has been aſſerted—"I have no other notion of ſlavery, but being bound by a law to which I do not conſent," ſays Molyneux, the friend of Locke, as quoted by Doctor Price in his obſervations.

from the uſes to which they applied that right, they would have a right which no abuſes could poſſibly vitiate: all reſiſtance, therefore, to the meaſures of ſuch men, however enormous, would be totally unjuſtifiable; becauſe the motive to reſiſt would be a circumſtance by which their claims to ſubmiſſion would ſtand entirely unaffected.—So fundamental an error muſt inevitably lead to the moſt abſurd concluſions.

Government is a power, a tranſcendent power, which muſt, from its nature, be poſſeſſed by a part and (ſuch ſhould ſeem the condition of our being) by a ſmall part of the community; but which, by an equal neceſſity and an equal lot, muſt not only be binding on the whole, but may extend in its effects, and operate as a bleſſing or a curſe on ſurrounding multitudes and unborn generations. Whoever believes, therefore, let the foundation of his faith be what it may, a doctrine of religion, the will of Providence, or the order of nature—whoever believes that the proper end of all power is the good of ſentient nature, and of all political power, the good of congregated man, will infer, that thoſe only can have a right to govern from whom, in the exerciſe of that power, the greateſt good may be expected; and, that the right of theſe can continue ſo long only as this expectation laſts. In the mind of ſuch a man, conſequently, the right to govern muſt depend on circumſtances. From

cauſes,

cauſes, inſcrutable perhaps, but certainly beyond the reach of our control, the human animal is differently modified in different countries, and in the ſame country in different ages, in his taſte and manners, in his paſſions and prejudices, in his virtues and vices, in whatever we are to provide *for*, and in whatever we are to provide *againſt* by politic inſtitutions. Such inſtitutions, too, whether we will or not, ſubſiſt, are interwoven into the texture of ſociety, produce ſome good, avert ſome evil, operate in ſome way, and will have ſome weight with him who feels himſelf born into a ſyſtem where he muſt make the beſt of things as he finds them. To treat all this as nothing, to decide the right, to govern by muſty parchments; or, waving parchments and circumſtances, to conſider the bipennis impſumis of a Tartar Hord and an European State as preciſely the ſame beings, and to arrange them according to ſome abſtract principle, which, as it applies to man under all circumſtances, muſt, if it were juſtly collected, be founded on thoſe qualities only which are common to man in all ſituations, which muſt leave out of queſtion, conſequently, whatever conſtitutes man what he is in any particular ſtation, are both of them proceedings ſo perfectly prepoſterous, that I cannot determine, to which the exceſs of abſurdity belongs.

Originally, indeed, the fundamental articles of both theſe ſyſtems, though erroneous as principles,

may have had their uſe as correctives to error. Locke referred us back to a ſtate of nature, to deſtroy a prejudice in favour of the ſanctity of Monarchs: the founders of the new ſyſtem referred us back to the ſame ſtate, to cure our prejudices in favour of any other domination, than that of a majority. But thoſe who never poſſeſſed the prejudice, don't want the retroſpect. What does it ſignify what man *was* 500 or 5000 years ago, or how the power which I behold originally came into being? I have no reſpect for any human inſtitution, but for the good it produces: I am placed in a certain department; I muſt fight my good fight; I muſt deal with man as he *is:* I muſt make the beſt of things as they *are*. Whatever is, is, according to the courſe of nature and the order of Providence; and if it were not, what would it avail us? To declaim and whimper about the prerogatives of ſavages, will not recall what is paſt. We are *not* ſavages: we have inſtitutions; we have laws; we have manners; we have morals; we have the binding ties of a ſecond nature upon us: we muſt conſider theſe; we muſt conſult our ſubject, and act for the beſt; looking abroad to the world and forward to poſterity. What is the beſt form of Government—what is the beſt cure for diſorders? We muſt know the complaint; we muſt know the ſex, the age, the conſtitution of our patient; the habits he has led, the regimen he has purſued; we

muſt

muſt inform ourſelves of the circumſtances of the caſe: becauſe man is naturally a two-legged, naked, vagrant animal; to preſcribe eternally nudity and acorns, would be a ſimplification of practice, to be ſure, but I fear not more ſucceſsful than Sangrado's. We are all by far too fond of ſimplicity; too much of Sangrados at the bottom: it would be pleaſant, no doubt, to account for every operation in nature, by gravitation alone; it would be ſoothing, certainly, to reduce all Government to the telling of noſes; but it cannot be.

The great evil againſt which the friends to mankind have hitherto had to ſtruggle, has been the inſolent domination of a few. No feeling-mind can contemplate what our nature has endured from the grinding tyranny of theſe proud oppreſſors without a poignant indignation. We are not made of ſtone: we are moved to pity; we are inflamed to rage; at what humanity has ſuffered, and at the wrongs ſhe ſuffers ſtill, from lordly ruffians, who, born by accident to power, have treated their brethren as beaſts, and ſported with the miſeries of millions: Our hearts are wrung at theſe ſufferings, as men bearing about us the common ſympathies of our nature; but, as philoſophers, we behold and we deplore an effect ſtill more extenſive and of an aſpect tranſcendently more dreadful. Longinus, in his immortal Treatiſe on the Sublime, concludes his labours with an enquiry into the cauſes of that

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decline of genius, which, in his own time, no longer furniſhed ſuch inſtances of this gigantic figure, as in his various illuſtrations he had ſo profuſely quoted from the authors of antiquity. The reaſon I think is very juſtly aſſigned*. "As thoſe engines in which "factitious dwarfs are encloſed, not only prevent "their bodies from expanding to their proper di-"menſions, but actually occaſion them to dwindle "from the ſize they had already attained; ſo ſervitude, "even under the moſt exact and juſt adminiſtration, "is a kind of priſon, in which the mind is cramped "in its efforts, and ſinks into debaſement." To feel that we owe whatever we enjoy to the gracious forbearance of any human power, and to look up to this power with all that deep and abject humiliation which ſuch a ſervile dependence muſt neceſſarily impreſs, is ſuch a proſtitution of the dignity of manhood, has ſuch a tendency to deprave the human intellect, to rob us of that juſt confidence and erectneſs of mind, which is the root of all exalted ſentiment and vigorous enterprize, and to thruſt us down from that proper elevation, which God and Nature intended we ſhould attain, into a ſtate of low, ſtupid, and brutal inſenſibility; that, for this cauſe, perhaps, above all others, an impaſſioned love for

* See the obſervations of the Hiſtorian of the Roman Empire on this paſſage. Decline and Fall, vol. I. chap. II. at the cloſe.

freedom

freedom has fired the good and great of every age and every country.

Peace be to their manes! There is nothing, I truſt, in what I have expreſſed, and I am ſure there is nothing in what I feel, which ſhould unfit me to chaunt a requiem to their ſhades. In the ſyſtem which I profeſs (if that may be called a ſyſtem which I wear as an amulet againſt all ſyſtems) in the ſyſtem which inſtructs me to look to the welfare of ſociety as the ſole end of all political exertion, and the ſole foundation of all political rights, and to collect the meaſures conducive to this welfare from the particular circumſtances before me, there can be nothing inconſiſtent with any rapturous and ſwelling ſentiment which may tend to reſcue man from oppreſſion. If I reſpect, as I frequently reſpect, particular privileges; I reſpect them not becauſe they are privileges, but becauſe they are uſeful. If I reverence, as I often reverence, old inſtitutions, I reverence them, not becauſe they are old, not becauſe I am awed by the grandeur of antique power into a ſervile acknowledgement of its ſanctity, but becauſe I know that there are in age advantages which nothing but age can confer; becauſe I ſee, that, in dealing with mankind, there are circumſtances which no comprehenſion can graſp, there are contingencies which no human ſagacity can foreſee, there are alterations, there are

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accommodations which nothing but a long experience can ſuggeſt.

What then have I accompliſhed? Have I laid down any general principles, or eſtabliſhed any general ſyſtem, which will enable us to aſcertain the moſt perfect form of Government? For what am I to legiſlate? Am I to legiſlate for a young and thriving colony, where the people are led by their ſituations into habits of ſobriety, induſtry, and good management; where the views and intereſts of all men are very nearly alike, and knowledge and property are pretty equally diffuſed, Or for that condition of ſocial order, to which all civilization ſeems to tend, and from which no ſociety has yet emerged, where patient labour is become unprofitable drudgery, and men are driven from thoſe laborious and ruſtic employments which tranquillize the mind into purſuits of activity, enterprize, and buſtle, or into that reſtleſs ſequeſtration from all ſettled employment which fits the mind for any thing; where the moſt abſtract ſpeculations of the cloſet are capable of exciting a public ferment; and where the ſtate is divided into a competition and conflict of intereſts, which, as they have no fixed cauſe, or duration, or end, elude all foreſight and precaution? Am I to legiſlate where plain good ſenſe to ſee in what the public good conſiſts, and common integrity to purſue it, is all that is wanted in thoſe who rule; or where, in an open lottery of power, that

power

power will inevitably fall into the hands of ſpeculators, intriguers, and projectors, men of deſperate fortunes, or reſtleſs temper; but of ſpecious, popular, and buſtling talents, who, collecting together in the heart of empire, and forming a congenial vortex around them, will, by force, or by fraud, by threats, or by influence, carry every thing irreſiſtably before them? Am I to legiſlate where civil inſtitutions already ſubſiſt, or where I have a perfect raſa tabula to work on? Where religious ſects are prepared to worry each other, or where there is no religion at all? Where honour ſupplies the place of virtue, or where virtue and honour are extinguiſhed? Or am I to lay down ſome ſovereign recipe, of potent virtues, which, like the Doctor's noſtrum, is equally fitted to all caſes, and will infallibly cure all maladies, from the apoplexy to the tooth-ache?

If I have expoſed the fallacy, and weakened the credit of two prevailing ſyſtems, I have accompliſhed all that I deſigned. It rarely happens that men judge wrong upon circumſtances: we cannot eaſily miſtake oppreſſion for eaſe, or tyranny for freedom, if we decide by the ſtandard of nature. But an erroneous ſyſtem, ſo far as it extends, infects and vitiates the whole mind of man: under the charm of this deluſion he ſees every thing through a medium which diſtorts the face of nature; he is captivated with viſionary beauties; he is terrified

at ideal deformities; he meaſures every thing by a falſe rule; he is throughout, and (as it is emphatically expreſſed) ſyſtematically wrong. The moſt enthuſiaſtic votary of any ſyſtem will, indeed, ſometimes, forget his principles; "Naturam furcâ expellas, tamen uſque recurret;" and circumſtances will now and then force him to ſpeak, and think, and act, like a reaſonable being: but theſe lucid intervals can be the reſult only of ſome particular violence; and the general tenor of his thought and conduct will be diverted from its natural track to an extent which he himſelf, on an impartial review, could ſcarcely have ſuppoſed.

A new order of things ſeems now to be ariſing, which muſt awaken the attention of every friend to mankind, and will call for the exerciſe of his moſt ſteady and collected judgement. If, by clearing away the obſtruction of ſyſtem, I ſhould have contributed, in any degree, to deliver this momentous deliberation from the probable influence of adventitious cauſes, I ſhall think that I have not written, and, indeed, that I have not lived, in vain.

February 11, 1793.

FINIS.